

**Sassaquin Nursing & Rehabilitation Center, Inc.  
d/b/a Mariner Health Care Center and Hospital  
Workers' Union, Local 767, Service Employees'  
International Union, AFL-CIO.** Case 1-CA-  
35821

September 21, 1998

SUPPLEMENTAL DECISION AND ORDER

BY MEMBERS FOX, HURTGEN, AND BRAME

On July 31, 1998, the National Labor Relations Board issued a Decision and Order in this proceeding.<sup>1</sup> The Board granted the General Counsel's unopposed Motion for Partial Summary Judgment. The Board found that the no-access rules that the Respondent maintained in its employee handbook were overbroad and therefore presumptively in violation of Section 8(a)(1). The Board further found that the Respondent had not rebutted that presumption in its answer to the complaint or otherwise. Accordingly, the Board found that the Respondent violated Section 8(a)(1) of the Act.

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<sup>1</sup> 326 NLRB No. 2.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

In its motion for reconsideration, the Respondent contends that, absent evidence of distribution or enforcement of its no-access restrictions, the maintenance of its access restrictions is at most de minimis and therefore insufficient interference, restraint, or coercion on which to base a violation of Section 8(a)(1). In its decision, the Board considered and rejected the contention that maintenance of the rules was de minimis.<sup>2</sup> The contention that there was no evidence of distribution or enforcement of the rule could have been raised in the underlying proceeding, and it is thus untimely. Accordingly, we find no merit in the Respondent's contentions.

ORDER

Having duly considered the matter, it is ordered that the Respondent's Motion for Reconsideration is denied as lacking in merit.

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<sup>2</sup> Id., slip op. at 1.